

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 27315 of 2006(B)

PETITIONER:

T.A. JOSE & COMPANY,
AWD NO.III AND IV, MUNDOOR, TRICHUR,
REPRESENTED BY ITS MANAGING PARTNER.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.LAKSHMY

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF FOOD AND
CIVIL SUPPLIES, SECRETARIAT, THIRUVANANTHAPURAM.

2. COMMISSIONER, CIVIL SUPPLIES
COMMISSIONERATE OF CIVIL SUPPLIES
PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, TRICHUR.

4. DISTRICT SUPPLY OFFICER,
TRICHUR.

5. TALUK SUPPLY OFFICER, TRICHUR.

*6. THRISSUR TALUK RATION DEALERS CO-OPERATIVE SOCIETY LTD.,
NO. 1042, XXVI/852, REGIONAL BUILDING,
PALAKKAL ANGADI,
THRISSUR.

(* ADDITIONAL 6TH RESPONDENT IS IMPEADED AS PER ORDER DATED
08/11/2006 IN I.A. 14761/2006.)

BY ADV. SRI.K.RAMAKUMAR
GOVERNMENT PLEADER – ADV. SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

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|-----------|---|
| EXT.P1 | COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN W.A. NO.1308/2004. |
| EXT.P2 | COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT. |
| EXT.P3 | COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT. |
| EXT.P4 | COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN WP(C) NO. 11625/2006. |
| EXT.P5 | COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN WP(C) NO. 11625/2006. |
| EXT.P6 | COPY OF THE REVISION FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER (WITH REFERENCE TO AWD NO.III) |
| EXT.P6(a) | COPY OF THE STAY APPLICATION FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER (WITH REFERENCE TO AWD NO.III) |
| EXT.P7 | COPY OF THE REVISION FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER (WITH REFERENCE TO AWD NO.IV) |
| EXT.P7(a) | COPY OF THE STAY APPLICATION FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER (WITH REFERENCE TO AWD NO.IV) |

//TRUE COPY//

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27315 of 2006

Dated, this the 1st day of February, 2007

J U D G M E N T

The wholesale ration dealer's licence granted by the District Collector to the petitioner was cancelled on appeal filed by the additional 6th respondent by Commissioner of Civil Supplies. Even though the petitioner challenged the said order before this Court, this Court left the matter to be decided in revision by Government. The petitioner filed a statutory revision with a stay petition, for a stay of operation of the Civil Supplies Commissioner's order, so that the petitioner could continue the business until disposal of the revision. However, stay application is not so far disposed of and revision is also not taken up for hearing. The learned counsel for the 6th respondent submitted that the petitioner obtained licence through an illegal order passed by the District Collector and the Commissioner of Civil Supplies rightly cancelled the same. However, counsel for the petitioner submitted that the petitioner was not even heard by the Commissioner of Civil Supplies before issuing appellate order. In any case, since the statutory revision is pending before the Government, I direct the 1st respondent to hear the petitioner and the additional 6th respondent and dispose of the revision within three weeks from the date of production

of a copy of the judgment. If there is any delay by any reason in considering and disposing of the petitioner's revision by the 1st respondent within three weeks from the date of production of a copy of the judgment, there will be a direction to the 1st respondent to pass orders on petitioner's application for stay, within the said period. I make it clear that revision should not be heard by any Officer below the rank of the Civil Supplies Commissioner, because in another case, this Court noticed that a Subordinate Officer passed the revisional order against the order of the Officer of a Commissioner's rank. There will also be direction to the respondents to permit the petitioner to conduct the business until orders are passed on petitioner's revision or stay application by the 1st respondent.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg